

TWELFTH DAY

(Wednesday, October 31, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Huddleston.
Aikin.	Hughes.
Alexander.	Hunt.
Alsup.	Hunter.
Anderson.	Hyder.
Atchison.	Jackson.
Baker.	James.
Barrett.	Jefferson.
Barron.	Johnson
Beck.	of Anderson.
Bergman.	Jones of Atascosa.
Bourne.	Jones of Runnels.
Bradley.	Jones of Shelby.
Burns.	Kayton.
Butler.	Kyle of Hays.
Calvert.	Kyle of Palo Pinto.
Camp.	Laird.
Canon.	Lange.
Cathey.	Latham.
Caven.	Lemens.
Chastain.	Leonard.
Clayton.	Lindsey.
Colson.	Long.
Coombes.	Lotief.
Cowley.	Mackay.
Crossley.	Mathis.
Daniel.	McCullough.
Davidson.	McDougald.
Dean.	McGregor.
Devall.	McKee.
Dunlap.	Merritt.
Dunagan.	Metcalfe.
Duvall.	Mitcham.
Dwyer.	Moffett.
Engelhard.	Moore.
Fain.	Morrison.
Ford.	Morse.
Fuchs.	Munson.
Glass.	Nicholson.
Golson.	Palmer.
Good.	Parkhouse.
Goodman.	Patterson.
Graves.	Pavlica.
Greathouse.	Pope.
Griffith.	Puryear.
Hankamer.	Ramsey.
Harman.	Ratliff.
Harris.	Reader.
Hartzog.	Reed of Bowie.
Head.	Reed of Dallas.
Hicks.	Renfro.
Hill.	Riddle.
Hodges.	Roark.
Holekamp.	Roberts.
Holland.	Rogers
Holloway.	of Ochiltree.
Hoskins.	Rollins.

Russell.	Tillery.
Savage.	Townsend.
Scarborough.	Turlington.
Shannon.	Van Zandt.
Shults.	Vaughan.
Smith.	Wagstaff.
Stanfield.	Walker.
Steward.	Weinert.
Stinson.	Wells.
Stovall.	Winningham.
Stubbeman.	Wood.
Tennyson.	Young.
Thomas.	

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Celaya.	Magee.
Fisher.	Ray.
Harrison.	Rogers of Hunt.
Hester.	Scott.
	Tarwater.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Tarwater for today, on motion of Mr. Holekamp.

Mr. Harrison for today and tomorrow, on motion of Mr. Barron.

Mr. Bedford for today and tomorrow, on motion of Mr. Tennyson.

Mr. Celaya for today, on motion of Mr. Winningham.

Mr. Rogers of Hunt for today, on motion of Mr. Barrett.

Mr. Scott for today, on motion of Mr. Russell.

The following Members were granted leaves of absence on account of illness:

Mr. Magee for today, on motion of Mr. Hankamer.

Mr. Adamson for today, on motion of Mr. Van Zandt.

Mr. Ray for today, on account of illness in his family, on motion of Mr. Dean.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Griffith:

H. B. No. 50, A bill to be entitled "An Act making an appropriation of fifteen hundred dollars (\$1,500), or so much thereof as may be necessary, out of any money in the State Treasury, not otherwise appropriated, to be used by the State Depository Board to pay rent for safety deposit boxes rented by the Board from any bank located in the City of Austin for the purpose of depositing securities, where such obligations for rent have been incurred by the State Depository Board pursuant to Article 2530, Revised Statutes of 1925, as amended by the Acts of the Forty-third Legislature, Regular Session, or as amended by the Acts of the Forty-third Legislature, Second Called Session, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Lotief and Mr. Scarborough:

H. B. No. 51, A bill to be entitled "An Act levying and imposing an occupation tax of two per cent of the gross receipts of every person, firm, company, partnership, corporation or association of persons owning or operating any hotel or engaged in the hotel business in the State of Texas; providing certain exceptions and exemptions in towns of 20,000 population or less, and hotels or boarding houses having 30 rooms or less; providing penalties and interest for violations of this Act and for the non-payment of the taxes herein levied; prescribing the venue of all suits brought for the purpose of enforcing the collection of taxes levied by this Act; etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Morrison:

H. B. No. 52, A bill to be entitled "An Act providing that the governing body of any city or town in this State, in making up the annual appropriation for the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system, service or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, service or enterprise, shall then provide for payment of

principal and interest of any indebtedness outstanding against such system, service or enterprise, and may then make such appropriations as remaining income and revenue of such system, service or enterprise, may justify, to be appropriated among respective departments of the municipal government, or otherwise appropriated for public uses, as such governing body may deem best; etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

RELATIVE TO BANKHEAD COTTON LAW

Mr. Laird offered the following resolution:

Whereas, The press of the country has recently carried the report that the Department of Agriculture was within a short time to make rules and regulations concerning the Bankhead Cotton Law during the next year;

Whereas, Texas being the largest producer of cotton in America and having a peculiar interest in any regulations concerning the growing of cotton, it is proper that the Members of the House of Representatives of the State of Texas express their opinion on any future regulation affecting the cotton industry;

Whereas, We realize that the National Government is due much credit for attempting to bring about a better price for cotton, yet, we realize that the Bankhead Law as it is now carried on, works a grave injustice upon a large number of farmers; which situation could be remedied by proper adjustment of this Act;

Whereas, Under the present law, the farmer who has for several years planted all of his land in cotton, can sell twice as much cotton as the farmer who has only been planting one-half of his land in cotton; and

Whereas, Some farmers have not been allowed to sell as much as one bale of cotton under this Act; and

Whereas, Many renters have been discriminated against under its provisions; and

Whereas, Many farmers have been forced to wait in line for many days in order to receive permits to sell their cotton, thus causing trouble and loss of time; and

Whereas, All of these injustices could be corrected and at the same

time carry on a reasonable policy of cotton reduction in this country; therefore, be it

Resolved by the House of Representatives of the State of Texas, That while we endorse the purposes of the National Government to bring about a better price for cotton, which efforts have in some measure succeeded, we, at the same time, wish to express to the President of the United States, the Department of Agriculture and the National Congress, our earnest request that the Bankhead Law be so amended or modified as to permit any cotton growers to sell not less than five bales of cotton and to provide that the farmer who has been planting only part of his land in cotton be permitted to sell as much cotton as the farmer who has been planting all of his land in cotton.

And we further request that all unnecessary red tape in regard to permits to sell cotton be done away with.

We further request that provisions be made to take care of the renters who will be deprived of employment during the next year unless something is done to take care of them. Be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, to the Secretary of Agriculture, and to each Member of the House of Representatives and to both Senators from Texas and the Congress of the United States.

(Mr. Russell in the Chair.)

The resolution was read second time.

Mr. Alexander moved that the resolution be referred to the Committee on Agriculture.

Mr. Kyle of Palo Pinto raised a point of order on further consideration of the resolution at this time, on the ground that the time for the consideration of resolutions has expired.

The Chair sustained the point of order.

SENATE BILL NO. 11 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 11, A bill to be entitled "An Act to aid the City of Palacios and the village of Collegeport, both situated in Commissioner's Precinct Number 3 of Matagorda County, Texas, in constructing and maintaining sea walls, breakwaters and shore protection, in order to protect said city and village from calamitous overflows by donating to them eight-ninths (8/9) of the ad valorem taxes collected on all property, both real and personal, in Commissioner's Precinct Number 3 of Matagorda County, Texas, for a period of thirty (30) years; providing for a commission to construct such sea walls, breakwaters and shore protection; providing for compensation of the members of said commission; providing a penalty for misapplication of the moneys thus donated; and validating all proceedings and bonds authorized and/or issued under Chapter 61, Acts of the First Called Session of the Forty-third Legislature, and declaring an emergency."

The bill was read second time.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend Senate Bill No. 11 by striking out all of Section 1 thereof, and substituting the following:

"Section 1. That for a period of twenty (20) years, commencing with the fiscal year beginning September 1, 1934, there be and are hereby donated and granted by the State of Texas to a commission, hereinafter created, in trust for the City of Palacios, and the village of Collegeport, both situated in Commissioner's Precinct Number 3 of Matagorda County, Texas, eight-ninths (8/9) of the net amount of the State ad valorem taxes collected on all property, both real and personal, in said Commissioner's Precinct Number 3 of Matagorda County, Texas, as it now exists.

"Provided, however, that in no event shall such amounts hereby granted ever exceed the sum that would be produced for any current year by the levying of the then current State ad valorem tax, for general purposes, on the valuations of said precinct, as shown by the Comptroller's records for the year 1934, and all sums collected in excess of such amount shall go into the General Revenue Fund of the State."

Mr. Hill moved to table the amendment.

The motion to table prevailed.

Senate Bill No. 11 was then passed to third reading.

SENATE BILL NO. 11 ON THIRD READING

Mr. Hill moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Aikin.	Jackson.
Alexander.	James.
Alsup.	Jefferson.
Anderson.	Johnson
Atchison.	of Anderson.
Baker.	Jones of Runnels.
Barron.	Kayton.
Beck.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Bradley.	Lange.
Burns.	Latham.
Butler.	Lemens.
Camp.	Leonard.
Canon.	Lindsey.
Caven.	Long.
Chastain.	Lotief.
Clayton.	Mackay.
Colson.	Mathis.
Crossley.	McCullough.
Daniel.	McGregor.
Davidson.	McKee.
Dean.	Merritt.
Devall.	Metcalfe.
Dunlap.	Mitcham.
Dunagan.	Moffett.
Dwyer.	Moore.
Engelhard.	Morrison.
Fain.	Morse.
Ford.	Munson.
Fuchs.	Nicholson.
Golson.	Palmer.
Goodman.	Parkhouse.
Greathouse.	Patterson.
Griffith.	Pavlica.
Hankamer.	Pope.
Harman.	Ratliff.
Hartzog.	Reader.
Head.	Reed of Dallas.
Hicks.	Renfro.
Hill.	Riddle.
Hodges.	Roark.
Holekamp.	Rogers
Holland.	of Ochiltree.
Holloway.	Rollins.
Hoskins.	Russell.
Hughes.	Savage.
Hunt.	Scarborough.
Hunter.	Shannon.
Hyder.	Smith.

Stanfield.
Steward.
Stinson.
Stubbeman.
Tennyson.
Thomas.
Tillery.
Townsend.

Turlington.
Van Zandt.
Wagstaff.
Walker.
Weinert.
Wood.
Young.

Nays—6

Glass.	Shults.
Puryear.	Stovall.
Reed of Bowie.	Vaughan.

Absent

Barrett.	Huddleston.
Bergman.	Jones of Atascosa.
Calvert.	Jones of Shelby.
Cathey.	Laird.
Coombes.	McDougald.
Cowley.	Ramsey.
Duvall.	Roberts.
Good.	Wells.
Graves.	Winningham.
Harris.	

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Celaya.	Magee.
Fisher.	Ray.
Harrison.	Rogers of Hunt.
Hester.	Scott.
	Tarwater.

The Speaker then laid Senate Bill No. 11 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—103

Alexander.	Dunagan.
Alsup.	Duvall.
Anderson.	Engelhard.
Atchison.	Fain.
Baker.	Ford.
Barron.	Fuchs.
Bourne.	Golson.
Bradley.	Goodman.
Burns.	Greathouse.
Butler.	Griffith.
Camp.	Hankamer.
Canon.	Head.
Caven.	Hicks.
Chastain.	Hill.
Clayton.	Holekamp.
Colson.	Holland.
Crossley.	Holloway.
Daniel.	Hoskins.
Davidson.	Hughes.
Dean.	Hunt.
Devall.	Hunter.
Dunlap.	Hyder.

Jackson.	Ratliff.
James.	Reader.
Jefferson.	Reed of Dallas.
Johnson	Renfro.
of Anderson.	Riddle.
Jones of Runnels.	Roark.
Kayton.	Rogers
Kyle of Hays.	of Ochiltree.
Kyle of Palo Pinto.	Rollins.
Lange.	Russell.
Latham.	Savage.
Lemens.	Scarborough.
Leonard.	Shannon.
Long.	Smith.
Mackay.	Stanfield.
Mathis.	Steward.
McCullough.	Stinson.
McGregor.	Stubbeman.
McKee.	Tennyson.
Metcalfe.	Thomas.
Mitcham.	Tillery.
Moore.	Townsend.
Morrison.	Turlington.
Morse.	Van Zandt.
Munson.	Wagstaff.
Nicholson.	Walker.
Palmer.	Weinert.
Parkhouse.	Wells.
Patterson.	Wood.
Pavlica.	Young.
Pope.	

Nays—10

Aikin.	Puryear.
Glass.	Reed of Bowie.
Lindsey.	Shults.
Lotief.	Stovall.
Merritt.	Vaughan.

Absent

Barrett.	Hartzog.
Beck.	Hodges.
Bergman.	Huddleston.
Calvert.	Jones of Atascosa.
Cathey.	Jones of Shelby.
Coombes.	Laird.
Cowley.	McDougald.
Dwyer.	Moffett.
Good.	Ramsey.
Graves.	Roberts.
Harman.	Winningham.
Harris.	

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Celaya.	Magee.
Fisher.	Ray.
Harrison.	Rogers of Hunt.
Hester.	Scott.
	Tarwater.

HOUSE BILL NO. 21 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 21, A bill to be entitled "An Act amending Sections 1, 4, 6, and 8, of Chapter 162, House Bill No. 154, Acts of Regular Session of the Forty-third Legislature, and Section 2, with the exception of Subdivision 1, thereof, and Sections 3, 5, and 9, of Chapter 162, House Bill No. 154, as amended by Chapter 12, House Bill No. 55, Acts of the First Called Session of the Forty-third Legislature, defining certain words and terms; providing for credit for taxes paid by mistake; providing that tax levied shall be a liability on producer, first purchaser and subsequent purchasers; etc., and declaring an emergency";

The bill having heretofore been read second time, with amendment by Mr. Aikin, pending.

Mr. Aikin moved that the bill be re-committed to the Committee on Revenue and Taxation.

Mr. Long moved to table the motion to re-commit the bill.

The motion to table was lost.

Mr. Lotief moved that the bill be tabled.

Question recurring on the motion to table the bill, it was lost.

Mr. Greathouse moved that further consideration of the bill be postponed until next Friday.

Mr. Aikin moved as a substitute motion that further consideration of the bill be postponed until 2 o'clock p. m., next Monday.

Question first recurring on the motion of Mr. Aikin, it was lost.

Question next recurring on the motion by Mr. Greathouse that the bill be postponed until next Friday, it prevailed.

Mr. Van Zandt moved to reconsider the vote by which the motion of Mr. Greathouse prevailed.

Mr. Greathouse moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64

Aikin.	Anderson.
Alsup.	Baker.

Barron.	James.
Bergman.	Jones of Shelby.
Bourne.	Latham.
Butler.	Leonard.
Camp.	Lotief.
Canon.	Mathis.
Cathey.	McCullough.
Chastain.	Merritt.
Coombes.	Moore.
Crossley.	Morrison.
Davidson.	Patterson.
Devall.	Pavlica.
Dunagan.	Pope.
Engelhard.	Reed of Bowie.
Fain.	Renfro.
Glass.	Riddle.
Goodman.	Roberts.
Graves.	Scarborough.
Greathouse.	Shults.
Griffith.	Smith.
Harman.	Stanfield.
Hartzog.	Stovall.
Hicks.	Stubbeman.
Holekamp.	Tennyson.
Holloway.	Thomas.
Hoskins.	Tillery.
Huddleston.	Wagstaff.
Hunt.	Walker.
Hunter.	Weinert.
Hyder.	Young.

Nays—50

Alexander.	Long.
Atchison.	Mackay.
Barrett.	McKee.
Bradley.	Metcalfe.
Burns.	Moffett.
Calvert.	Morse.
Caven.	Munson.
Clayton.	Nicholson.
Cowley.	Puryear.
Daniel.	Ramsey.
Dean.	Ratliff.
Dwyer.	Reader.
Ford.	Reed of Dallas.
Fuchs.	Roark.
Hankamer.	Rogers.
Head.	of Ochiltree.
Holland.	Rollins.
Jackson.	Savage.
Jones of Atascosa.	Shannon.
Jones of Runnels.	Steward.
Kyle of Hays.	Turlington.
Kyle of Palo Pinto.	Van Zandt.
Laird.	Vaughan.
Lange.	Wells.
Lemens.	Wood.
Lindsey.	

Absent

Beck.	Good.
Colson.	Harris.
Dunlap.	Hill.
Duvall.	Hodges.
Golson.	Hughes.

Jefferson.	Palmer.
Johnson.	Parkhouse.
of Anderson.	Russell.
Kayton.	Stinson.
McDougald.	Townsend.
McGregor.	Winningham.
Mitcham.	

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Celaya.	Magee.
Fisher.	Ray.
Harrison.	Rogers of Hunt.
Hester.	Scott.
	Tarwater.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, October 31, 1934.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has passed

S. C. R. No. 7, Authorizing the
State Board of Control to negotiate
with the Federal Government to ob-
tain a loan with which to erect an
Appellate Courts Building in the City
of Austin.

Respectfully,

BOB BARKER,

Secretary of the Senate.

ADJOURNMENT

Mr. Scarborough moved that the
House adjourn until 10 o'clock a. m.,
tomorrow.

Mr. Reed of Bowie moved that the
House recess to 2 o'clock p. m., to-
morrow.

The motion of Mr. Scarborough
prevailed, and the House, accordingly,
at 11:50 o'clock a. m., adjourned until
10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The following committee filed a
favorable report, as follows:

Municipal and Private Corpora-
tions: Senate Bill No. 10.

REPORTS OF THE COMMITTEE
ON ENGROSSED BILLS

Committee Room,
Austin, Texas, October 31, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 23, A bill to be entitled "An Act changing the time of holding the terms of the district court in the One Hundredth Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in the counties composing said district; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, October 31, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 26, A bill to be entitled "An Act amending Article 1976, of Title 42, Chapter 1, of the 1925 Revised Civil Statutes of the State of Texas, so as to provide the actual possession of property not necessary to maintain action provided for in Article 1975, Title 42, Chapter 1, of the 1925 Revised Civil Statutes of Texas; providing the manner of service on defendant or defendants in such action, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

THIRTEENTH DAY

(Thursday, November 1, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Barrett.
Aikin.	Barron.
Alexander.	Beck.
Alsup.	Bergman.
Anderson.	Bourne.
Atchison.	Bradley.
Baker.	Burns.

Butler.
Camp.
Canon.
Cathey.
Caven.
Celaya.
Chastain.
Clayton.
Colson.
Coombes.
Crossley.
Daniel.
Davidson.
Dean.
Dunlap.
Dunagan.
Dwyer.
Engelhard.
Fain.
Ford.
Fuchs.
Glass.
Golson.
Good.
Goodman.
Graves.
Greathouse.
Griffith.
Hankamer.
Harman.
Harris.
Harrison.
Hartzog.
Head.
Hicks.
Hill.
Hodges.
Holekamp.
Holland.
Holloway.
Hoskins.
Huddleston.
Hughes.
Hunt.
Hunter.
Hyder.
Jackson.
James.
Jefferson.
Johnson
of Anderson.
Jones of Atascosa.
Jones of Runnels.
Jones of Shelby.
Kayton.
Kyle of Hays.
Kyle of Palo Pinto.
Laird.
Lange.
Latham.
Lemens.
Leonard.

Lindsey.
Long.
Lotief.
Mackay.
Magee.
Mathis.
McCullough.
McDougald.
McGregor.
McKee.
Merritt.
Metcalf.
Mitcham.
Moffett.
Moore.
Morrison.
Morse.
Munson.
Nicholson.
Palmer.
Parkhouse.
Patterson.
Pavlica.
Pope.
Purvey.
Ratliff.
Reader.
Reed of Bowie.
Reed of Dallas.
Renfro.
Riddle.
Roark.
Roberts.
Rogers
of Ochiltree.
Rollins.
Russell.
Savage.
Scarborough.
Shannon.
Shults.
Smith.
Stanfield.
Steward.
Stinson.
Stovall.
Stubbeman.
Tarwater.
Tennyson.
Thomas.
Tillery.
Townsend.
Turlington.
Van Zandt.
Vaughan.
Walker.
Weinert.
Wells.
Winningham.
Wood.
Young.

Absent

Devall.	Ramsey.
Duvall.	